

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN KAMARA,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	NO. 19-5997
	:	
ANDREW M. SAUL, COMMISSIONER	:	
OF SOCIAL SECURITY,	:	
Defendant.	:	
	:	

MEMORANDUM OPINION

Perkin, M.J.

June 9, 2020

The applications for disability insurance benefits and supplemental security income under Titles II and XVI of the Social Security Act, 42 U.S.C. §§ 401-33, 1381-1383, filed by the Plaintiff, John Kamara, were denied by the December 3, 2018 decision of Administrative Law Judge (“ALJ”) Gregory Moldafsky.¹ Mr. Kamara appeals from that decision and contends that the ALJ’s unfavorable decision was reached in error. Doc. No. 12, pp. 4-7 (Pl.’s Brief). Mr. Kamara’s sole argument is that ALJ Moldafsky’s appointment was improper under the Appointments Clause of the Constitution. *Id.*

In response, the Commissioner of Social Security (“Commissioner”) concedes that further development of the record and re-evaluation of Mr. Kamara’s claim of disability is warranted, and he requests remand of this case. Doc. No. 17 (Def.’s Uncontested Mot. to Remand). The Commissioner represents that Mr. Kamara’s counsel consents to his request for remand. *Id.* at 2. Because the parties agree that the ALJ erred in the evaluation of Mr. Kamara’s

¹ Mr. Kamara claims that he is disabled due to multiple severe medical impairments, including end stage renal disease; diabetes; peripheral vascular disease; status post below the knee amputation of the right leg; chronic pain; anemia; moderate non-proliferative diabetic retinopathy; metabolic acidosis; and depression. Doc. 12, p. 2 (citations to Adm. Record omitted).

disability claim, Mr. Kamara's request for review is granted, the final decision of the Commissioner is reversed, and this matter is remanded to the Commissioner for further administrative proceedings.²

An appropriate Order follows.

² The parties consented to the jurisdiction of a United States Magistrate Judge to conduct all proceedings in this case, pursuant to 28 U.S.C. § 636(c), including entry of final judgment. *See* Doc. No. 3, ¶ 2 (referring to United States General Consent Form); Doc. No. 8.